THE RESTRICTION REQUIREMENT

The Examiner has required a restriction under 35 U.S.C. § 121 to one of the following inventions:

I. Claim 1, drawn to protein kinase, classified in class 435, subclass 194.

II. Claims 4-7, drawn to DNA encoding protein kinase, vector comprising said DNA, and a host cell transformed thereof, classified in class 435, subclass 252.3.

III. Claim 8, drawn to a method of activating p38, classified in class 435, subclass 41.

IV. Claims 9-10, drawn to a method of treatment by activating p38, classified in class 424, subclass 94.5.

V. Claims 11-12 and 18-20, drawn to a method for screening an agent that inhibits/stimulates phosphorylation of p38 classified in class 435, subclass 15.

VI. Claims 13-14, drawn to antibodies against protein kinase, classified in class 530, subclass 387.9.

VII. Claims 15-16, drawn to a method of treatment with an antibody, classified in class 424, subclass 130.1

VIII. Claims 15 and 17, drawn to a method of treatment with nucleic acids, classified in class 514, subclass 44.

IX. Claim 21, drawn to a method of treatment with a modulator, classified in class 514, subclass 789.

The Examiner contends that the inventions of Groups I - IX are distinct.

In response, Applicants elect without traverse the invention of Group I, Claim 1, drawn to a protein kinase. Claims directed to non-elected groups have been canceled without prejudice to Applicants' right to pursue the subject matter of the canceled claims in subsequent applications.

CONCLUSION

Applicants respectfully request that the foregoing remarks be entered and made of record in the file history of the application. An early allowance of the application is earnestly requested.

Respectfully submitted,

by Jacqueline Benn
Reg No. 43,492

Date: September 4, 2001

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APPENDIX A

Marked-Up Copy of the Amended Claim
U.S. Patent Application Serial No. 09/593,288
Attorney Docket No. 10624-021-999

1. An isolated polypeptide comprising the amino acid sequence provided in SEQ ID NO:2 [or a variant thereof that differs only in conservative substitutions and/or modifications at no more than 10% of the amino acid residues].